

1 Marilyn Raia, SBN 072320  
2 BULLIVANT HOUSER BAILEY PC  
3 601 California Street, Suite 1800  
4 San Francisco, California 94108  
5 Telephone: 415.352.2700  
6 Facsimile: 415.352.2701

7  
8 Attorneys for Plaintiff St. Paul Fire & Marine  
9 Insurance Company

10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14 ST. PAUL FIRE & MARINE INSURANCE  
15 COMPANY, a Minnesota corporation,

16 Plaintiff,

17 vs.

18 SHAMROCK MATERIALS, INC., a  
19 California corporation,

20 Defendant.  
21

Case No.: C07-3150 MEJ

**REQUEST FOR ORDER FOR  
CONDITIONAL DISMISSAL AND  
(PROPOSED) ORDER**

22 Plaintiff is pleased to report to the Court that this matter has been settled and execution  
23 of the settlement agreement and payment of settlement funds are the only matters remaining to  
24 fully conclude the case.

25 Accordingly, plaintiff requests that the Court dismiss the case without prejudice, each  
26 side to bear its own attorneys' fees and costs on the condition that if any party shall certify to the  
27 Court within ninety days of the date that the order of conditional dismissal is signed, with proof  
28 of service of a copy on the other party, that the execution of the settlement agreement and  
payment of settlement funds have not been concluded, the dismissal shall stand vacated and the  
case shall be restored forthwith to the Court's calendar for further proceedings.

///

///

///

1 DATED: September 10, 2007

2 BULLIVANT HOUSER BAILEY PC

3  
4 By *Marilyn Rata*  
Marilyn Rata

5  
6 Attorneys for Plaintiff St. Paul Fire & Marine  
Insurance Company

7  
8 SO ORDERED:

9 DATED:

\_\_\_\_\_  
United States District Judge